

March 17, 2005

Ms. Kathy Hainsworth
Ambivan Medical Transportation Service
1492-96 Haddon Avenue
Camden, New Jersey 08106

Re: **Notice of Proposed Assessment of Penalties:
Basic Life Support Ambulance/Mobility Assistance
Vehicle Service Provider**
Investigation Control # 05-B-020

Dear Ms. Hainsworth:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act (N.J.S.A. 26:2H-1, et seq.) which was enacted, in part, to ensure that hospital and related health care services rendered in New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include pre-hospital basic life support ambulance services. In addition, in accordance with §6.4 and §6.6 of the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), this Department is responsible for the development of minimum licensure requirements concerning the equipment, supplies and vehicles of providers of mobility assistance vehicle services.

On October 10, 2004 an unannounced inspection of Ambivan's vehicles was conducted by staff of Office of Emergency Medical Services at Ambivan's place of business in Camden, New Jersey and deficiencies were identified. Specifically, vehicle # 539 was found to have the air conditioning unit not working as well as the road triangles and manual lift bar unsecured. In addition, the manufacture's top side door latch was missing, making it impossible for the side door to be closed.

As a licensed provider of basic life support and mobility assistance vehicle services, it is your responsibility to ensure that each vehicle is maintained properly according to N.J.A.C. 8:40-1.1, et seq.

N.J.A.C. 8:40-5.8(c)4 provides: "The doors to each patient compartment doorway shall be capable of being opened and utilized from both inside the patient compartment and from the exterior of the vehicle, using a standard automotive

industry door handle.”

Therefore, the Department is holding Ambivan accountable for allowing a vehicle with deficiencies to be used to transport patients. Specifically, OEMS found that vehicle # 539 was placed “Out of Service” for having deficiencies that could be immediately hazardous to a patient.

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.2(f), violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected. N.J.A.C. 8:40-7.2(e)9 provides for a fine of \$250 per violation per day of any regulation found at N.J.A.C. 8:40-1.1, et seq. . Therefore, you are hereby assessed a penalty in the amount of \$250 for specific hazardous vehicle conditions found.

Furthermore, you are being issued a formal warning for the subsequent violations listed above pursuant to N.J.A.C. 8:40-4.6(a) which states “Each vehicle shall have a functional heater and air conditioner”; as well as N.J.A.C. 8:40-4.4(e)7 which states “All equipment and supplies carried on the vehicle shall be stored in a crashworthy manner.”

A certified check or money order in the amount of \$250 made payable to “Treasurer, State of New Jersey,” must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-7.2(h), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Karen Halupke, R.N., M.Ed

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-7.3, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Ms. Michele Stark

Please include the control number #05-B-020 on all of your correspondence. **Finally, failure to request a hearing within 30 days of this Notice shall render this Notice final, and the entire \$250 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart at (609) 633-7777.

Sincerely,

Karen Halupke, R.N., M.Ed
Director, Emergency Medical Services

c: Michele Stalk L&RA
Charles McSweeney, OEMS
Samuel Stewart, Esq., OEMS
Christopher Tams, OEMS
William Dougan, OEMS

SENT VIA REGULAR U.S. MAIL AND
CERTIFIED MAIL # 7002 2410 0003 3470 5446
RETURN RECEIPT REQUESTED